



NBC Telemundo License Co.
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November 30, 2005

VIA HAND DELIVERY

The Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NBC Telemundo License Co.
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST
MB Docket No. 05-317
WNBC-DT, New York, New York; Facility ID No. 47535

Dear Madam Secretary:

NBC Telemundo License Co. ("NBC"), the permittee of WNBC-DT, New York, New York (the "Station"), hereby requests a waiver that will delay the date on which satellite subscribers can commence digital television signal tests under Section 339(a)(2)(D) of the Communications Act.¹

Under the Communications Act, as amended, reduced digital coverage because of force majeure justifies the requested waiver. *See* 47 U.S.C. § 339(a)(2)(D)(viii)(III). The Station, which is located in one of the nation's top-100 markets and expects to operate on its existing digital channel post-transition, has been required to operate temporarily from the Empire State Building following the destruction of the World Trade Center on September 11, 2001. The difficulties facing New York digital stations are well known to the Commission, and have resulted in WNBC-DT having less coverage than its authorized parameters should allow.

Specifically, the destruction of the World Trade Center, among other significant concerns, severely disrupted television operations in New York City because there is an extreme shortage of sites in the New York area that are appropriate for the provision of analog or digital television services. In order to identify technically feasible sites for the co-location of New York broadcasters' DTV and NTSC transmitters and antennas, NBC and other New York area

¹ *See* Public Notice, TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004 to be Filed by November 30, 2005, or February 15, 2007, DA 05-2979 (released November 17, 2005).

broadcasters formed the Metropolitan Television Alliance ("MTVA"). Since October 2001, the MTVA has worked to examine existing structures from which stations may be able to construct workable digital broadcast facilities as well as attempting to identify potential sites for a permanent home for stations' facilities.

Consistent with these efforts, NBC had concluded that sharing an antenna on the Empire State Building ("ESB") is the best medium-term option, prior to construction of a new facility on the former site of the World Trade Center, by which NBC can provide a sustainable level of over-the-air coverage to the New York market. NBC participated in extensive discussions with ESB management, as well as other parties on the ESB, regarding the work necessary to accommodate digital operations and worked diligently with ESB to negotiate a lease for transmitter and combiner space.

Following development of an understanding on these issues, NBC has made impressive progress in maximizing the extent of service possible from the Empire State Building. NBC has upgraded its New York over-the-air digital facility from the initial STA following the loss of the World Trade Center to a better facility on Rockefeller Plaza to the current facility on the Empire State Building. Although the work continues to be complicated by the challenging and crowded nature of the Empire State Building and complex leasing arrangements, NBC's current ESB digital facility delivers a quality digital signal to WNBC-DT's community of license and much surrounding area. However, the signal is less than what should have resulted from NBC's authorized parameters, a fact for which the Station should not be penalized.

Upon completion of other tower sites in New York, NBC will be able to complete the intended construction. Accordingly, NBC hereby requests a waiver under Section 339(a)(2)(D) of the Communications Act.

Please communicate with the undersigned with respect to this request.

Respectfully submitted,

NBC TELEMUNDO LICENSE CO.

By: 
F. William LeBeau

Its Assistant Secretary and Senior
Regulatory Counsel

cc: Nazifa Sawez, Video Division, Room 2-A726
Station's Public Inspection File